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FILED

DISTRICT COURT OF GUAM

NOV 23 2005 pbc

MARY L.M. MORAN
CLERK OF COURT

9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE DISTRICT OF GUAM

11
12 UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 05-00053
13)
14 Plaintiff,) **SUPERSEDING INDICTMENT**
15) **CONSPIRACY TO DISTRIBUTE**
16) **METHAMPHETAMINE HYDROCHLORIDE**
17) **[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and 846]**
18) **(COUNT 1)**
19)
20 vs.) **ATTEMPTED POSSESSION OF**
21) **METHAMPHETAMINE HYDROCHLORIDE**
22) **WITH INTENT TO DISTRIBUTE**
23) **[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and 846]**
24) **(COUNT II)**
25 CHRISTOPHER M. ESPINOSA,) **MONEY LAUNDERING**
26) **[18 U.S.C. §§ 1956(a)(1)(A)(i) and 2]**
27) **(COUNTS III TO V)**
28 Defendant.) **FORFEITURE ALLEGATION**
29) **[18 U.S.C. § 853]**
30) **(COUNT VI)**
31 _____)

32 THE GRAND JURY CHARGES:

33 **COUNT I - CONSPIRACY TO DISTRIBUTE METHAMPHETAMINE**
34 **HYDROCHLORIDE**

35 Beginning at a time unknown, but at least by in or about the month of April, 2005 through

ORIGINAL

1 on or about June 18, 2005, in the District of Guam and elsewhere, the defendant,
2 CHRISTOPHER M. ESPINOSA, and other persons known and unknown to the grand jury, did
3 unlawfully, intentionally, and knowingly combine, conspire, confederate and agree together and
4 with others, to distribute over 100 grams of methamphetamine hydrochloride, a schedule II
5 controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1),
6 (b)(1)(A)(viii), and 846.

7

8 **COUNT II - POSSESSION WITH INTENT TO DISTRIBUTE**
9 **METHAMPHETAMINE HYDROCHLORIDE**

10 On about June 18, 2005, in the District of Guam, the defendant herein, CHRISTOPHER
11 M. ESPINOSA, and other persons known to the grand jury, did unlawfully and knowingly
12 possess with intent to distribute over 100 grams of methamphetamine hydrochloride, a schedule
II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1),
13 (b)(1)(A)(viii), and Title 18, United States Code Section 2.
14

15 **COUNT III - MONEY LAUNDERING**
16

17 On about the 12th day of April, 2005, in the District of Guam and elsewhere,
18 CHRISTOPHER M. ESPINOSA, and others known to the Grand Jury, did knowingly conduct
19 and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit,
20 the transfer of funds from Account Number 6038-056330 at the Bank of Hawaii, a financial
21 institution which is engaged in and the activities of which affect interstate and foreign commerce,
22 to Account Number 004971268812 held in the name of CHRISTOPHER ESPINOSA at the
23 Bank of America, Las Vegas, Nevada, a financial institution which is engaged in and the
24 activities of which affect interstate and foreign commerce, which involved the proceeds of
25 specified unlawful activity, that is possession with intent to distribute methamphetamine
26 hydrochloride in violation of Title 21, United States Code, Section 841 and conspiracy to possess
27 with intent to distribute methamphetamine hydrochloride in violation of Title 21 United States

28

1 Code Section 846, and that while conducting and attempting to conduct such financial
2 transaction CHRISTOPHER M. ESPINOSA knew that the property involved in the financial
3 transaction, that is funds in the amount of SEVEN THOUSAND NINE HUNDRED AND
4 TWENTY FIVE DOLLARS (\$7,925.00), represented the proceeds of some form of unlawful
5 activity.

6 All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.
7

8 **COUNT IV - MONEY LAUNDERING**

9 On about the 20th day of April, 2005, in the District of Guam and elsewhere,
10 CHRISTOPHER M. ESPINOSA, and others known to the Grand Jury, did knowingly conduct
11 and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit,
12 the transfer of funds from Account Number 6038-056330 at the Bank of Hawaii, a financial
13 institution which is engaged in and the activities of which affect interstate and foreign commerce,
14 to account number 004971268812 held in the name of CHRISTOPHER ESPINOSA at the Bank
15 of America, Las Vegas, Nevada, a financial institution which is engaged in and the activities of
16 which affect interstate and foreign commerce, which involved the proceeds of specified unlawful
17 activity, that is possession with intent to distribute methamphetamine hydrochloride in violation
18 of Title 21, United States Code, Section 841 and conspiracy to possess with intent to distribute
19 methamphetamine hydrochloride in violation of Title 21, United States Code Section 846, and
20 that while conducting and attempting to conduct such financial transaction knew that the property
21 involved in the financial transaction, that is funds in the amount of SEVEN THOUSAND NINE
22 HUNDRED AND TWENTY FIVE DOLLARS (\$7,925.00), represented the proceeds of some
23 form of unlawful activity.

24 All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.
25 \\
26 \\
27

COUNT V - MONEY LAUNDERING

2 On about the 6th day of June, 2005, in the District of Guam and elsewhere,
3 CHRISTOPHER M. ESPINOSA, and others known to the Grand Jury, did knowingly conduct
4 and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit,
5 the transfer of funds through Western Union, a financial institution which is engaged in and the
6 activities of which affect interstate and foreign commerce, which involved the proceeds of
7 specified unlawful activity, that is possession with intent to distribute methamphetamine
8 hydrochloride in violation of Title 21, United States Code, Section 841 and conspiracy to possess
9 with intent to distribute methamphetamine hydrochloride in violation of Title 21, United States
10 Code, Section 846, and that while conducting and attempting to conduct such financial
11 transaction CHRISTOPHER M. ESPINOSA knew that the property involved in the financial
12 transaction, that is funds in the amount of FOUR THOUSAND FIVE HUNDRED AND
13 EIGHTEEN DOLLARS (\$4,518.00), represented the proceeds of some form of unlawful activity.

14 All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

COUNT VI - FORFEITURE ALLEGATION

17 1. The allegations contained in Counts I through V of this First Superseding Indictment
18 are hereby realleged and incorporated by reference for the purpose of alleging forfeiture, pursuant
19 to the provisions of Title 21, United States Code, Section 853.

20 2. From his engagement in any and all of the violations alleged in Counts I through V of
21 this First Superseding Indictment, punishable by imprisonment for more than one year, which
22 counts are realleged and incorporated as if fully set forth here, the defendant, CHRISTOPHER
23 M. ESPINOSA, shall forfeit to the United States, pursuant to Title 21, United States Code,
24 Section 853(a)(1) and (2) all of his interest in:

25 A. Property constituting and derived from any proceeds
26 the defendant obtained, directly or indirectly, as the
 result of such violations; and

B. Property used and intended to be used in any Manner or part to commit or to facilitate the commission of such violations.

3 3. Such forfeiture shall include all property, real or personal, tangible or intangible,
4 including any interest in said property of the defendant.

5 4. If any of the property described above as being subject to forfeiture, as a result of any
6 act or omission of the defendant:

- A. cannot be located upon the exercise of due diligence;
 - B. has been transferred or sold to, or deposited with, a third person;
 - C. has been placed beyond the jurisdiction of the Court,
 - D. has been substantially diminished in value; or
 - E. has been commingled with other property which cannot be subdivided without difficulty,

13 it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to
14 seek forfeiture of any other property of said defendant up to the value of the above forfeitable
15 property.

All in violation of Title 21, United States Code, Section 853.

Dated this 23 day of November 2005.

A TRUE BILL.

Foreperson

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and CNMI

By:

RUSSELL C. STODDARD
First Assistant U.S. Attorney